

ATTACHMENT 1

HFS 106.13, Wisconsin Administrative Code

The following criteria from HFS 106.13, Wis. Admin. Code, must be met for the Department of Health and Family Services to grant a variance to the registered nurse 60-day supervisory home visit rule:

1. The waiver or variance will not adversely affect the health, safety, or welfare of any recipient;
2. Either:
 - a) Strict enforcement of a requirement would result in unreasonable hardship on the provider or on a recipient; or
 - b) An alternative to a rule, including a new concept, method, procedure or technique, new equipment, new personnel qualifications, or the implementation of a pilot project is in the interests of better care or management;
3. The waiver or variance is consistent with all applicable state and federal statutes and federal regulations;
4. Consistent with the Medicaid State Plan and with the federal Health Care Financing Administration and other applicable federal program requirements, federal financial participation is available for all services under the waiver or variance; and
5. Services relating to the waiver or variance are medically necessary.